

CLASSIFICATION OFFICE DECISION

Title of publication: VASO0003.jpg

Other known title(s): Not stated

OFLC ref: 802377

Medium: Computer Image File Printout

Distributor: Not stated

Country of origin: Not stated

Language: English

Applicant: The District Court At Waitakere

Classification: Objectionable.

Descriptive note: None

Display conditions: None

Date of entry in Register: 10 March 2009

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The publication is a computer image file printout that contains an explicit image of a naked child in a state of sexual arousal. The publication encourages a sexual interest in children. It also advances the idea that children are ready for adult forms of sexual activity. As such it promotes and supports the exploitation of children for sexual purposes, and is deemed objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

The classification of this publication interferes with the freedom of expression, as set out in section 14 of the New Zealand Bill of Rights Act 1990. This outcome is consistent, however, with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children for sexual purposes.